

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RICHARD MILLS and DAVID P. HASKINS

Plaintiffs,

v.

ORDER
04-CV-005

SENIOR CHIEF OFFICER LUPLOW, et al.,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1). On June 30, 2008, defendants filed a motion for summary judgment dismissing the claims of plaintiff David Haskins. On March 30, 2009, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' motion be granted. Also, on June 30, 2008, defendants filed a motion for summary judgment dismissing the claims of Richard Mills. On March 31, 2009, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' motion for summary judgment be denied in part and granted in part.

Both plaintiffs and defendants filed objections to the reports and recommendations.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Reports and Recommendations to which objections have been made. Upon a de novo review of the Reports and Recommendations, and after reviewing the submissions from the parties, the Court adopts the proposed findings of the Reports and Recommendations.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Reports and Recommendations, defendants' motion for summary judgment as to David Haskins is granted and defendants' motion for summary judgment as to Richard Mills is denied in part and granted in part.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 20, 2009